

# **SPEECH**

BY

## **MR MULOCK**

### **AT MASSEY HALL, TORONTO,**

**On 22nd of February, 1896.**

ON

## **"REMEDIAL LEGISLATION."**

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The Chairman called upon MR. MULOCK to move the following resolution :—

Resolved, that the jurisdiction of the Dominion Parliament in educational matters is exceptional and, while we may not be united as to whether such jurisdiction ought to exist, we are unanimous that it ought not to be resorted to except in cases of a gross and clearly-proven abuse of the power of the majority in any Province, and after all other efforts to remedy the grievance have been exhausted."

MR. MULOCK, in support of the resolution, said :—

"As a party man, it may be thought I am in strange company to-night, in appearing on a platform with gentlemen whose political alliances are not mine, and whose views on many public questions I do not share ; but, Sir, the occasion is one which warrants, aye, demands, the co-operation of citizens of all classes and of all political and religious creeds, in order to the solution of a vexed problem justly and wisely—(applause)—and which, if so solved, will preserve friendly and cordial relations between all classes of our people, and thus assure success to

our national undertaking, the establishment of an enduring basis in this western hemisphere of a British colony, whose possibilities and potentialities justify our aspirations to see Canada the most powerful, progressive and patriotic of all the great possessions with which Great Britain has girdled the earth. (Cheers.)

MR. LAURIER APPROVED.

"Sir, in the spirit of peace and union the invitation was worded which brings me here to-night. In the same spirit my political leader, Wilfrid Laurier, a true man—(cheers)—a good man, a great man, approved of my presence here, that I might give expression, however feebly, to his belief in the efficacy of conciliation rather than force as a means of adjusting this delicate question, and I feel sure that in the same spirit will be conducted the deliberations and deliverance of this great assembly. (Applause.)

"Sir, what is the problem before us? In February, 1895, the Privy Council of England decided that the Dominion Parliament had power, within certain limits, to legislate in respect of grievances complained of on behalf of the Roman Catholics in Manitoba. In that same month the Dominion Parliament purported to create themselves into a court, and summoned the Province of Manitoba before them, as you would an ordinary offender before a Police Magistrate, and, with an alacrity that has not characterized all their administrative acts, did, within less than two weeks after the adjournment of their pretended court, and without having first adopted any conciliatory course towards the people of Manitoba, and without even having allowed them time to consider what was best to be done, and without inquiring into the facts and circumstances, and without seriously considering whether Dominion interference could accomplish more good than harm, and without having first adopted a diplomatic course with a view to friendly settlement, bluntly and unfortunately issued a peremptory remedial order against Manitoba, ordering that Province to legislate in a certain way, and in default, threatening it with Dominion interference.

Well, sir, whether the framers of that order were desirous of having it complied with, or of provoking hostility or refusal, I do not pretend to say, but that order was submitted to a special meeting of the Legislature of Manitoba, which dealt with it by resolution on the 19th of June last. I will not read at length from that resolution, but suffice it to say that the Legislature of Manitoba did not, even under this

provocation, assume the attitude of dogged determination not to consider any representations that might be made to them in respect of the grievances of our Roman Catholic fellow-citizens of Manitoba, and, to make clear this point, permit me to read a few passages from the resolutions of the Manitoba Legislature in answer to the remedial order :—

MANITOBA'S ANSWER.

"We believe, when the remedial order was made, there was not available then to your Excellency in Council full and accurate information as to the working of our former system of schools. We also believe that there was lacking the means of forming a correct judgment as to the effect upon the Province of changes in the direction indicated in the order, and, being impressed with this view, we respectfully submit that it is not too late to make a full and deliberate investigation of the whole subject. Should such a course be adopted we shall cheerfully assist in affording the most complete information available. An investigation of such a kind would furnish substantial basis of fact upon which conclusions could be formed with a reasonable degree of certainty. It is urged most strongly that upon so important a matter, involving as it does the religious feeling and convictions of different classes of the people of Canada and the educational interests of the Province, which is expected to become one of the most important in the Dominion, no hasty action should be taken, but that, on the contrary, the greatest care and deliberation should be exercised and a full and thorough investigation made."

And then, after some further reference to the order, the Legislature of Manitoba proceeds to say :—

"Nothing could be more unfortunate from the standpoint of the Roman Catholic people themselves than any hasty or peremptory action on the part of the Parliament of Canada, because such action would probably produce strained relations, and tend to prevent the possibility of restoring harmony. We respectfully suggest to your Excellency in Council that all the above considerations call most strongly for full and careful deliberation and for such a course of action as will avoid irritating complications.

"We deem it also proper to call attention to the fact that it is only a few months since the latest decision upon the subject was given by the Judicial Committee of the Privy Council. Previous to that time the majority of the members of the Legislative Assembly of Manitoba had expressly or impliedly given pledges to their constituents, which they feel in honor bound loyally to fulfil. We understand that it has been lately suggested that private funds of the Roman Catholic Church and people have been invested in school buildings and land that are now appropriated for Public school purposes. No evidence of such fact has ever been laid before us, so far as we

can ascertain, but we profess ourselves willing, if any injustice can be established, to make full and fair compensation therefor."

Well, sir, when that reply reached Ottawa—the Dominion Government, impressed with the force of the invitation of Manitoba to friendly negotiations without accepting it, stayed its hand for a while, but unfortunately did so with a further threat contained in their Order-in-Council of July last, that if Manitoba did not deal with the matter satisfactorily the Dominion Government would act on the remedial order at the present session of the Dominion Parliament. This Order-in-Council of July last was laid before the Legislature of Manitoba fresh from the people, at its session in the month of January last, which thereupon proceeded to consider the same and passed a resolution, from which I will quote but a few words :—

"The remedy sought to be applied is fraught with great danger to the principle of Provincial autonomy. An independent consideration of the subject, as well as the recognized constitutional practice in analogous cases, clearly indicate that it could only be made use of as a last resort, and after the clearest possible case had been made out. It is obvious that so drastic a proceeding as the coercion of a Province in order to impose upon it a policy repugnant to the declared wishes of its people can only be justified by clear and unmistakable proof of flagrant wrongdoing on the part of the Provincial authorities."

And further on, Manitoba proceeds to say :—

"It is a matter of regret that the invitation extended by the Legislative Assembly to make a proper inquiry into the facts of the case has not been accepted, but that, as before stated, the advisers of His Excellency have declared their policy without investigation. It is with all deference submitted that such a course seems to be quite incapable of reasonable justification, and must create the conviction that the educational interests of the people of Manitoba are to be dealt with in a hostile and peremptory way by a tribunal whose members have not approached the subject in a judicial spirit, or taken the proceedings necessary to enable them to form a proper opinion upon the merits of the question. The inquiry asked for the reply of the Legislature to the remedial order should, in the opinion of the undersigned, be again earnestly invited, and in the event of the invitation being accepted, the scope of the inquiry should be sufficiently wide to embrace all available facts relating to the past or present school system."

And further on the Legislature of Manitoba proceeds to say :—

"In amending the law from time to time, and in administering the system, it is the earnest desire to remedy every well-formed grievance, and to

remove every appearance of inequality or injustice that may be brought to notice. With the view of so doing, the Government and the Legislature will always be ready to consider any complaint that may be made in a spirit of fairness and conciliation.

"It seems therefore most reasonable to conclude that by leaving the question to be so dealt with, the truest interests of the minority would be better served than by attempting to establish a system of Separate Schools by coercive legislation."

From what I have read, every fair-minded man must conclude that nothing but good, both to the minority and majority, could have come from friendly negotiations on the lines of these invitations, twice extended by the people of Manitoba to the Dominion Government. Unfortunately the invitation was not accepted, and to-day the threatened legislation has been introduced into the Dominion Parliament, and it is now for the people of Canada to consider whether they can by any action of theirs impress upon their representatives at Ottawa a wiser course than the coercion of a great Province.

#### THE OLIVE BRANCH.

Twice Manitoba has held out the olive branch. (Applause.) Friendly investigation, friendly negotiations, and conciliatory methods all refused in favor of a policy of force. Now we are brought face to face with a serious problem, which I think may yet be satisfactorily solved. A just sense of right by the people of Great Britain and the United States is forcing upon the Governments of these two great nations the principle of friendly conference instead of the arbitrament of the sword for the settlement of the Venezuela affair, and so may the people of Canada now avert threatened national disaster by requiring our rulers at Ottawa to adopt like methods.

Nor is there any reason to fear that such methods would not be successful. Twenty years ago the Legislature of Prince Edward Island abolished Separate Schools, whereupon the minority appealed to Ottawa, just as the minority of Manitoba is doing, but the good sense of the Government prevailed and it said: Go back with this question to the Province from which it came, thresh it out in your own land, appeal to that spirit of

#### JUSTICE AND FAIR PLAY

which is to be found in every part of Her Majesty's dominions, and you will not appeal in vain. This advice was followed and was justified



by results, and to day Prince Edward Island administers its Public School system in a tolerant, Christian and just manner, and to the satisfaction of all creeds and classes. (Cheers.)

Again history repeated itself in the case of New Brunswick, and when the minority of that Province also sought to invoke interference from Ottawa, the Government of that day, led by Sir John Macdonald, gave the same advice as to the minority of Prince Edward Island. The advice was followed by the minority and the result has justified the soundness of the advice. (Cheers.)

Nova Scotia, with its Public School system, has also administered it to the satisfaction of all classes. (Cheers.)

If, then, sir, in all our Maritime Provinces this question has been capable of adjustment by the people concerned, are we not warranted in believing that equally happy results will follow if we allow the people of Manitoba themselves to come together, as the resolutions from which I have quoted indicate they are willing to do in a friendly conference, with the view of removing every grievance?

#### A TORONTO PRECEDENT.

Sir, I might cite a case nearer home which warrants me in believing that friendly overtures conducted in an honest, straightforward and conciliatory spirit between our Roman Catholic and Protestant friends bears good fruit. Many years ago, during my early official connection with the University of Toronto, it was my good fortune to be Chairman of the committee of the University Senate to negotiate with representatives of St. Michael's College of Toronto, in order to find a basis for affiliation with that University. We met the committee of St. Michael's College in a friendly, frank and fair manner. We invited them to accept of the advantages of the University. We considered their difficulties, and without sacrificing any principle we were able to remove all obstacles and to bring about a happy union between that College and the University, which has continued up to the present moment unmarred by a single disturbing circumstance, and which, founded upon mutual good-will, mutual confidence and mutual respect for the rights of all, gives every promise of permanence. (Applause.)

Sir, there are other precedents, and there is a precedent showing what results have attended the opposite course. Every student of Canadian history is familiar with the troublous times in the old Province of Canada, when Upper and Lower Canada were united in one

Legislature and endeavored to arrange the school system of each other. For twenty-five years the attempt was made, and for twenty-five years the attempt was a failure, a failure that practically destroyed the legislative powers of the Province. So divided did the people become over educational and other cognate matters that government became an impossibility, and at last the great men of that day regardless of their political views, united to devise a scheme that would relegate educational and other matters of a kindred character to the Local Legislatures rather than to the arbitrament on each occasion of the representatives of the whole people of Canada, and no one subject was with greater unanimity regarded as peculiarly proper to be dealt with by the Provinces affected rather than by the Dominion Parliament than was the subject of Education. (Applause.)

True it is that a reserve power is left to the Dominion Parliament even in the case of education, just as there is reserved power to the Dominion Parliament to disallow every bill that any Local Legislature may pass.

As to how far the Dominion Parliament is warranted in interfering with a Province by substituting the will of the Federal for that of the Local Legislature, as on all questions, extreme views are entertained. There are those who contend that the Dominion Parliament is bound in every case at once to interfere, whilst others contend that in every case the appeal is to be denied. Between these extreme views is the moderate one set forth in the Resolution of the Legislature of Manitoba that interference with Provincial autonomy is only justifiable as a last resort, and they beg the Dominion Parliament to act on this view and stay its hand at least until other and more promising methods have been tried. Shall we, therefore, now press upon the Dominion Parliament the necessity of adopting this safe middle course, or shall we allow them to light the fires of sectarian strife by establishing a precedent which will be a standing invitation to the minority, whether it be a Protestant or Catholic, in each Province of this Dominion continuously to bring their appeals to Ottawa, until the whole Dominion becomes enveloped in one general sectarian conflagration? There can be but one end to such a condition of affairs—the destruction of our Confederation. (Prolonged cheers).